

## REMARKS

### I. Summary

This amendment and response is in reply to the Final Office Action mailed July 7, 2009 ("Office Action") and the Advisory Action mailed December 8, 2009 ("Advisory Action"). Claims 1-4 and 6-18 were rejected.

In this response, claims 1, 2, 12, 13, 16 and 17 have been amended. Claims 19 and 20 are newly presented. No new subject matter has been introduced as a result of these amendments. Claims 1-4 and 6-20 are currently pending.

### II. Rejections Under 35 U.S.C. § 102: Claims 1-4, 6-9, 11-16, and 18

Claims 1-4, 6-9, 11-16, and 18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Lemmons (U.S. Pat. App. Pub. No. 2003/0028873). In making the 35 U.S.C. § 102(e) rejection, the Final Office Action also relies on Markel (U.S. Pat. App. No. 60/354,745), which Lemmons incorporates by reference. Assignee respectfully traverses these rejections.

Claim 1 recites, *inter alia*, "associating each oriented view of the first set of oriented views with an orientation index that identifies the physical orientation of the oriented view of the preregistered picture ... [and] selecting, from orientation indices associated with the stored oriented views, the orientation index of the oriented view having the same orientation as said predetermined area of said moving object in the current image."

Lemmons describes a system in which labels are superimposed post-production into a video stream. See Abstract. The labels may include advertising material. See Fig. 2, 4A-5B. A central computer contains data files of the labels. "There may be one data file for each advertiser, or one data file for each advertisement (label) and may comprise a label 712 that exists as graphical information within the data file." See ¶ 57. Lemmons also explains that the data file may comprise "placement and contour data" obtained by "computer recognition, physical manipulation, or other techniques." *Id.*

The Examiner asserts that the data files correspond to a set of oriented views. See Advisory Action. However, Lemmons' data files are not a set of oriented views. The data files are simply the bitmap or GIF images of the advertisements. See ¶57. Lemmons never

states that the data files include a set of oriented views of the same preregistered picture or advertisement.

Nonetheless, the Examiner concludes that “there must be included a set of oriented views in various orientations of the picture in order for the coordinate and contour data of the tag to be compared and matched to placement and contour data of the label.” See Advisory Action. This statement is not consistent with Lemmons because Lemmons does not describe that the contour data of the tag is compared and matched to the contour data of the label.

In Lemmons, a variety of advertisements are listed based on “attributes.” See ¶47. The attributes may include an actual object or category of object. For example, an advertisement for an appliance company may be listed with attributes such as a stove, refrigerator, or toaster. *Id.* The system would match the attribute to the video to place the appliance company’s advertisement on stoves, refrigerators, or toasters. This is the type of matching that is taught by Lemmons.

The contour data is used in a different way. Lemmons states:

Utility of the contour data may include making the label appear more naturally in the scene. As an example, if the object to which the label is applied is round, the label, as text or graphics or any visual enhancement, may be wrapped around the object's physical shape so that the label-enhanced object appears to look natural. By generating placement/contour data, the available advertising space is designated and comprises a boundary around the identified object.

¶64 (emphasis added). Therefore, Lemmons only teaches that the label may be wrapped around an object. In other words, the label (advertisement) is changed based on the contour data to fit the object (or blank space) in the video stream to look more natural. Lemmons describes actively modifying the labels based on the contour data but does not teach or suggest selecting preregistered contour data of the label that matches the contour data of the tag.

Stated another way, the key distinction is that Lemmons describes altering the labels on demand as needed, which is not storing a set of orientations and selecting among the oriented views. Lemmons never selects from the stored first set of oriented views associated with each orientation index. Because the contour data of the tag is not

matched to the contour data of the label, the assertion in the Advisory Action that "there must be included a set of oriented views in various orientations of the picture" is not accurate.

Therefore, Lemmons does not teach or suggest "selecting, from orientation indices associated with the stored oriented views, the orientation index of the oriented view having the same orientation as said predetermined area of said moving object in the current image," as recited by claim 1.

In the Advisory Action, the Examiner states "Applicant should note, for clarification, that Lemmons discloses ... selecting the orientation index of the oriented view having the same orientation as an area in a current image (see Lemmons, specifically [0042], lines 13-19, [0049], lines 1-7 and [0059], lines 4-14)." The portions of Lemmons that the Examiner cites here, particularly [0047], relate to selection of a label in a database of different labels and application of a matching label to an actual object or blank space in the video stream. Thus, the selection in Lemmons is between completely different labels, rather than among different orientations of the same label.

For at least these reasons, Assignee respectfully requests that the rejections of claim 1 and dependent claims 2-4, 6-11, and 14-18 be withdrawn.

Claim 12 is directed to a system that practices aspects of the method recited by amended claim 1. Claim 12 recites, "a calculator for providing a set of oriented views of said picture for various orientations and associating with each oriented view an orientation index that identifies the physical orientation of the oriented view of the preregistered picture associated with the corresponding orientation index; ... [and] a selector for selecting, among said set of oriented views, an oriented picture having the same orientation as said predetermined area in the current image, and selecting the associated orientation index."

Accordingly, for at least the same reasons as claim 1, amended claim 12 is also patentable over Lemmons and Markel. Therefore, Assignee respectfully requests that the rejections of claim 12 and dependent claim 13 be withdrawn.

### **III. Rejections Under 35 U.S.C. § 103: Claims 10 and 17**

#### **A. Claim 10**

Claim 10 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemmons in view of Wixson (U.S. Pat. No. 6,434,254).

However, claim 10 is patentable for at least the same reasons as claim 1 because Wixson does not make up for the deficiencies of Lemmons. Accordingly, Assignee respectfully requests withdrawal of the rejection of claim 10 under 35 U.S.C. § 103(a).

#### **B. Claim 17**

Claim 17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemmons in view of Martinolich (U.S. Pat. App. Pub. No. 2003/0023971). However, claim 17 is patentable for at least the same reasons as claim 1 because Martinolich does not make up for the deficiencies of Lemmons. Accordingly, Assignee respectfully requests withdrawal of the rejection of claim 17 under 35 U.S.C. § 103(a).

### **IV. New Claim 20**

Claim 20 recites, “in advance of transmission of the stream of video images, transmitting each oriented view of the first set of oriented views in association with an orientation index that identifies a physical orientation of the oriented view of the preregistered picture.” Neither Lemmons nor Markel discloses transmitting oriented views “in advance of transmission of the stream of video images.”


Claim 20 also recites, *inter alia*, “selecting, from the orientation indices associated with the first set of oriented views, an orientation index corresponding to an orientation of the predetermined area of the moving object in the video image.” Neither Lemmons nor Markel discloses these limitations for at least the same reasons set forth above with respect to claim 1.

**V. Conclusion**

Therefore, in view of the above remarks, Assignee respectfully submits that this application is in condition for allowance and such action is earnestly requested.

If for any reason the Examiner is not able to allow the application, he is requested to contact the Assignee's undersigned attorney at (312) 321-4200.

Respectfully submitted,

  
Ryan Gleitz  
Registration No. 62,164  
Attorney for Assignee

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200